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SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EDWINA BAILEY, individually,

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.
d/b/a SMITH'S FOOD & DRUG #358;
KATIE WILSON; THERISA RIDENOUR;
DOES 1 through 100 and ROE
CORPORATIONS 1 through 100, inclusive,

Defendants.

CASE NO. 2:20-cv-00328-JAD-VCF

**AMENDED STIPULATION AND ORDER
TO CONTINUE TRIAL**

(Amended Second Request)

Pursuant to Local Rules IA 6-1 and 26-3, the Parties, by and through their respective counsel of record, stipulate and agree that the current trial date of July 26, 2022 and all trial related deadlines be vacated and continued to November 14, 2022, or a date thereafter convenient for the Court.

This Stipulation is entered into for the following reasons:

1. Both counsel for Plaintiff and Defendant have unavoidable conflicts with the current trial date. Specifically, Defense counsel is scheduled to be on a Disney Cruise July 25-29, 2022. The cruise was re-scheduled to that date after the cruise Defense counsel initially booked was canceled by Disney due to the continuing supply chain issues. Plaintiff's counsel is scheduled to go to Africa for a pre-scheduled trip with his family. The trip was originally scheduled for summer of 2021, but was canceled just days before their departure due to COVID. The trip was rebooked to August 1-17, 2022, based on

1 travel parameters and restrictions beyond counsel's control.

2 2. The continuance requested herein is not sought for purposes of delay, but merely to
3 accommodate the schedules of counsel, and allow sufficient time to effectively prepare for trial in this
4 matter.

5 3. Since the parties initially submitted this stipulation on May 19, 2022, Plaintiff's counsel
6 has had several trial settings re-scheduled which now conflict with the proposed trial date for this matter,
7 including the following:

- 8 a. A negligence matter filed in 2020 entitled *Gerald Thomas Benham, et al. v. Waste*
9 *Management of California, Inc., et al.*, Case No. 37-2020-00027273, Superior Court
10 of the State of California, County of San Diego – the *Benham* matter was continued
11 from May 27, 2022, to August 19, 2022. The trial is expected to last three weeks.
- 12 b. A negligence matter filed in 2017 entitled *Kervin Osemwengie v. Las Vegas Razor*
13 *Adventures, LLC, et al.*, Case No. A-17-757540-C, Eighth Judicial District Court,
14 Clark County – the *Osemwengie* matter was continued from June 27, 2022, to
15 October 3, 2022. The trial is expected to last two to three weeks.
- 16 c. A negligence/wrongful death matter filed in 2018 entitled *Estate of Juan Manuel*
17 *Jimenez-Lopez v. CMC Steel Fabricators, Inc., et al.*, Case No. A-18-779263-C,
18 Eighth Judicial District Court, Clark County – the *Jimenez-Lopez* matter was
19 continued from June 23, 2022, to October 10, 2022. The trial is expected to last two
20 to three weeks.
- 21 d. A capital murder case filed in 2017 entitled *State of Nevada v. Durwin Allen*, Case
22 No. C-17-323628-1, Eighth Judicial District Court, Clark County – the *Allen* matter
23 was continued from May 2, 2022, to October 17, 2022. The trial is expected to last
24 two weeks.

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4. Due to the trial settings in *Benham, Osemwengie, Jimenez-Lopez*, and *Allen*, Plaintiff's counsel's time will be consumed litigating these matters. Accordingly, the parties submit this amended stipulation, requesting the trial of this matter be continued to November 14, 2022, or a date thereafter convenient for the Court.

DATED this 2nd day of June, 2022

CHRISTIANSEN TRIAL LAWYERS

/s/ Keely Perdue Chippoletti

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DATED this 2nd day of June, 2022

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ORDER

IT IS THEREFORE ORDERED the jury trial date in the above-entitled matter currently scheduled for July 26, 2022, is vacated and continued to November 15, 2022 at 9:00 a.m.; Calendar Call currently set for July 18, 2022, is vacated and continued to November 7, 2022, at 1:30 p.m.

IT IS FURTHER ORDERED that all trial briefs, proposed voir dire, proposed jury instructions, exhibit lists and witness lists are due by noon on November 7, 2022.

IT IS FURTHER ORDERED that the Stipulation at ECF No. 64 is DENIED as moot.

DATED: June 8, 2022.


JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE